

## United States District Court

OCT - 7 2016

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

Hilario Rubio-Toledo

United States District Court  
Southern District of Texas  
FILED

CRIMINAL COMPLAINT

OCT 07 2016

Case Number: M-16-1878 -M

IAE YOB: 1984

Clerk of Court

the United Mexican States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about October 6, 2016 in Hidalgo County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to the United Mexican States in pursuance of law, and thereafter was found near Alton, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Hilario Rubio-Toledo was encountered by Border Patrol Agents near Alton, Texas on October 6, 2016. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on November 15, 2015, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on April 30, 2015, through Del Rio, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On December 22, 2014, the defendant was convicted of 8 USC 1324 Transporting Aliens within the U.S. for Private Financial Gain and sentenced to eighteen (18) months confinement.

Continued on the attached sheet and made a part of this complaint:

☐ Yes ☒ No

Sworn to before me and subscribed in my presence,

October 7, 2016

3:40 pm

Peter E. Ormsby, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Complainant

Julio Ibarra

Senior Patrol Agent

Signature of Judicial Officer